

REMARKS

Claims 1-35, all the claims pending in the application, stand rejected on prior art grounds and under 35 U.S.C. §101. Applicants respectfully traverse these rejections based on the following discussion.

I. The 35 U.S.C. §101 Rejection

Claims 1-35 stand rejected under 35 U.S.C. §101 because the Office Action argues that the claimed invention is directed to non-statutory subject matter. Applicants have amended independent claims 1 and 12 to further define “a display adapted to display said spiraling trough”. Moreover, independent claim 24 has been amended to further define “displaying said non-linear scrollbar”. Accordingly, Applicants submit that independent claims 1, 12, 24, and the claims that depend therefrom, define useful, concrete, and tangible results. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. The Prior Art Rejections

Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gibson (U.S. Patent No. 5,392,388). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gibson, in view of Blades, et al. (U.S. Patent No. 5,706,388), hereinafter referred to as Blades. Claims 12-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gibson, in view of Blades, in further view of Schirmer (U.S.

Patent No. 6,369,837). Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides a non-linear scrollbar having a spiraling trough progressively winding tighter from the outer periphery region towards the geometric center point and corresponding to a list of items in a computer application. The scrollbar further includes a rotatable thumb that corresponds to an accessed portion of the list of items, wherein the rotatable thumb is extendable anywhere between the geometric center point and the outer periphery region. A partition region is also included that corresponds to predetermined transitions between items in the list.

In the rejection, the Office Action argues that the prior art of record discloses many features of the claimed invention. However, the prior art of record does not teach a scrollbar having a spiraling trough. Instead, the prior art references show round scrollbars and balls. In addition, the “segments of the panoramic image” in Gibson (which the Office Action asserts teaches the “items in the list” of the claimed invention) are not represented by a fixed proportion of the “non-linear periphery region” (which the Office Action asserts teaches the “path region” of the claimed invention). Instead, the “segments of the panoramic image” can be represented by one portion of the “periphery region” OR a fraction of one portion of the “periphery region”. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because the prior art of record does not teach or suggest the claimed features of a spiraling trough progressively winding tighter from an

outer periphery region towards a geometric center point. Such features are defined in independent claims 1 and 12 using similar language. The prior art references show round scrollbars and balls; however, nothing within the prior art teaches or suggests a scrollbar having a spiraling trough.

More specifically, the Office Action argues that the “rollerball” of Schirmer teaches the “trough” of the claimed invention (Office Action. p. 9, para. 1). The Office Action asserts that the “rollerball” of Schirmer “is configured in a spiral” (Office Action. p. 9, para. 1).

Applicants respectfully disagree and submit that the “rollerball” of Schirmer is a ball that includes a circular border and a central region (Schirmer, col. 4, para. 3). Neither the circular border nor the central region of the “rollerball” are configured in a spiral (See FIG. 3 of Schirmer).

Furthermore, FIG. 4 of Schirmer illustrates a “group” of rollerballs in a spiral configuration; however, the “group” of rollerballs does not correspond to a list of items in a computer application. Instead, the “group” of rollerballs corresponds to a “set” of operations or menus; the “group” of rollerballs is not a scrollbar.

Accordingly, Applicants submit that the prior art of record does not teach a scrollbar having a spiraling trough. Instead, the prior art references show round scrollbars and balls. Therefore, it is Applicants’ position that the prior art of record does not teach or suggest the claimed features of a spiraling trough progressively winding tighter from an outer periphery region towards a geometric center point as defined in independent claims 1 and 12.

In addition, the prior art of record does not teach or suggest the claimed features wherein each of the items in the list is represented by a fixed proportion of the path region/non-linear scrollbar. Such features are defined in independent claim 1 and dependent claim 29 using similar language.

The Office Action argues that the “non-periphery region” of Gibson teaches the “path region” of the claimed invention (Office Action, p. 4, para. 1). Moreover, the Office Action argues that the “segments of the panoramic image” of Gibson teach the “items in the list” of the claimed invention (Office Action, p. 4, para. 1).

However, in Gibson, the “segments of the panoramic image” are not represented by a fixed proportion of the “non-linear periphery region”. Instead, the “segments of the panoramic image” can be represented by one portion of the “periphery region” OR a fraction of one portion of the “periphery region”. Therefore, the “segments of the panoramic image” are not represented by a “fixed proportion” (independent claim 1 and dependent claim 29). More specifically, as discussed in column 2, lines 46-48 of Gibson, “each portion of the defined periphery corresponds to one or more of the segments making up the panoramic image”.

Accordingly, Applicants submit that the “segments of the panoramic image” in Gibson (which the Office Action asserts teaches the “items in the list” of the claimed invention) are not represented by a fixed proportion of the “non-linear periphery region” (which the Office Action asserts teaches the “path region” of the claimed invention). Instead, the “segments of the panoramic image” can be represented by one portion of the “periphery region” OR a fraction of one portion of the “periphery region”. Therefore, it

is Applicants position that the prior art of record does not teach or suggest the claimed features wherein each of the items in the list is represented by a fixed proportion of the path region/non-linear scrollbar as defined in independent claim 1 and dependent claim 29.

Therefore, it is Applicants' position that the prior art of record does not teach or suggest many features defined by independent claims 1, 12, 24 and that such claims are patentable over the prior art of record. Further, it is Applicants' position that dependent claims 2-11, 13-23, and 25-35 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-35, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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